

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
AT CHARLOTTE

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:04-00107

WILLIAM FREDERICK REYNOLDS
HAROLD FULLER

MEMORANDUM OPINION AND ORDER

On June 17, 2005, defendants were sentenced by the undersigned. Their sentences included a provision that they make restitution in the amount of \$13,109.50 to Branch Banking and Trust. The Judgment Order also stated that the amount of restitution would be reduced once recovered monies were returned to the bank by law enforcement authorities.

By Order entered April 25, 2006, the court noted that the government had yet to inform the court as to the amount of monies recovered so that the court might amend the restitution order. Accordingly, the government was ordered to provide the court with said amount within 30 days of entry of this Order. The government did not do so within the requisite time period.

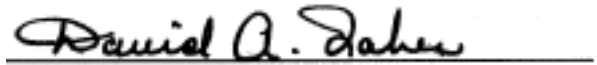
However, in a phone call between the chambers staff and AUSA Kenny Smith, the court was informed that the amount of restitution should be reduced to zero because all monies had been recovered. Mr. Smith was directed to put this in writing which he has failed to do as of the entry of this Order. Accordingly,

defendants' Judgment Orders are amended to remove their restitution obligation, i.e., defendants have no obligation to make restitution to Branch Banking and Trust in the amount of \$13,109.50.

The Clerk is directed to send a copy of this Order to counsel of record and to the Probation Office of this court for forwarding to the Bureau of Prisons.

It is SO ORDERED this 24th day of October, 2006.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge